



State of New Jersey

CERTIFIED TRUE COPY

JAMES E. MCGREEVEY
Governor

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MORTUARY SCIENCE OF NEW JERSEY
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

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Attorney General
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Mailing Address:

P.O. Box 45009
Newark, NJ 07101
(973) 504-6425

July 2, 2003

Reginald Mann
57 Long Street
East Orange NJ 07017

Re: Final Order of Discipline

Dear Mr. Mann:

Please find enclosed a signed copy of the Final Order of Discipline in the above matter filed with the Board of Mortuary Science on July 1, 2003.

Very truly yours,
BOARD OF MORTUARY SCIENCE

A handwritten signature in cursive script, appearing to read "William Mandeville".

William Mandeville
Executive Director

WM/sr

PETER C. HARVEY
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Division of Law
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FILED WITH THE BOARD
OF MORTUARY SCIENCE
ON July 1, 2003

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MORTUARY SCIENCE

IN THE MATTER OF THE SUSPENSION OR :
REVOCATION OF THE LICENSE OF: :

REGINALD MANN :
License No. JP04248 :

TO PRACTICE MORTUARY SCIENCE :
IN THE STATE OF NEW JERSEY :

Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey Board of Mortuary Science ("Board") upon receipt by the Board of information that respondent Reginald Mann had failed to disclose numerous prior convictions on his application for licensure to the Board. Based on its review of all materials, the Board makes the following findings of fact and conclusions of law.

Findings of Fact

1. Respondent was licensed as a funeral director in the State of New Jersey in or about August 1, 1997. Respondent held a valid license to practice mortuary science

until February 28, 2003, but failed to renew his license for the 2003-2005 biennial renewal period. Thus, based upon his failure to renew, respondent cannot currently engage in the practice of mortuary science.

2. Prior to being eligible for licensure as a practitioner of mortuary science, a period of internship must be served. The application for registration as an intern with the Board contains the question whether the applicant has ever been convicted of a crime, and if so, requests details of the offense, including the name and address of the court and the date of conviction.

3. Respondent applied for internship registration with an application dated February 13, 1996. In his application, he answered "yes" to the conviction question, and stated that on December 14, 1986, he plead guilty to fourth degree theft by deception, and was sentenced to three years imprisonment. He explained that he had written "bad checks in department stores and cashed some bad checks at the Howard Savings Bank." Respondent stated that he served nineteen months of the sentence, and was released from parole on March 20, 1990. Respondent also provided a termination summary, signed by a parole officer, indicating that respondent reported to his parole officer as directed, maintained full-time employment, remained arrest free and presented no particular problems.

4. Although respondent disclosed this conviction, respondent failed to disclose numerous other prior convictions, as set forth below.

5. On March 9, 1972, respondent was found guilty of attempted armed robbery in violation of N.J.S.A. 2A:85-5, 2A:141-1 and 2A:151-5. He was sentenced to a period of suspended confinement and three years probation.

6. On January 18, 1978, respondent plead guilty in municipal court to possession of stolen property and check fraud (insufficient funds) in violation of N.J.S.A. 2A:170-41.1 and 2A:111-1. He was fined \$50.*

7. On August 23, 1983, respondent was found guilty of fraud, and sentenced to forty-five days imprisonment in the Essex County Jail.

8. On May 17, 1985, a Judgment of Conviction was entered against defendant following a jury trial. Respondent was found guilty of forgery in violation of N.J.S.A. 2C:21-1(a)(2), uttering forged check in violation of N.J.S.A. 2C:21-1(a)(3) and attempted theft by deception in violation of N.J.S.A. 2C:5-1 and 2C:20-4. The sentence imposed was five years probation on each count. In sentencing, Judge Weber noted that he would accept the recommendation of the Probation Department that the defendant would be likely to respond to probationary treatment, "(notwithstanding defendant's prior record with the Court system)." The judge placed special conditions of probation on defendant of no involvement in drugs or alcohol.

9. On September 29, 1986, respondent pled guilty to three counts of Indictment No. 86-03-0191-I, constituting two counts of forgery in violation of N.J.S.A. 2C:21-1(a)(2) and one count of uttering forged instrument in violation of N.J.S.A. 2C:21-1(a)(3). On November 14, 1986, respondent was sentenced to a term of three years imprisonment, concurrent for each count. In sentencing, Judge Collester noted that respondent had a

* Because this conviction was for a disorderly persons offense and adjudicated in municipal court, it is not considered a "crime" for purposes of disclosure to the Board on the application for intern registration. However, in light of the other offenses for which respondent was convicted, the Board considers this conviction to be part of respondent's pattern of dishonesty, fraud and misrepresentation.

prior record for forgery and other property crimes, had been incarcerated and on probation, "most recently on a federal conviction," and he characterized respondent as a "con man" who had a substantial drug habit." Presumably, this is the guilty plea to which respondent referred in his answer to question six on the application.

10. Following sentencing on respondent's guilty plea as set forth in paragraph 9, respondent's probation was terminated for the 1985 forgery conviction, as set forth in paragraph 8 above. The court imposed a term of eighteen months' imprisonment, to be served consecutive to the three-year term imposed by Judge Colleser.

11. On January 6, 1988, respondent was sentenced to six months in Essex County jail, to run consecutive to the sentence respondent was then serving, based upon a conviction for fraud.

12. On June 28, 1990, respondent plead guilty to one count of third-degree conspiracy in violation of N.J.S.A. 2C:5-2, and three counts of third degree theft by deception in violation of N.J.S.A. 2C:20-4. Respondent was sentenced to five years probation on each count, all to run concurrently. The court imposed special conditions, including that respondent submit to a urine monitoring program and make restitution to the victim in the amount of \$2,325.00.

13. Thus, the Board finds that respondent obtained his internship registration and subsequent license by misrepresenting his criminal convictions, and failing to disclose that he had been convicted of multiple crimes of moral turpitude.

* Respondent did not disclose a federal conviction to the Board. It appears that respondent was convicted of fraudulent demands against the United States, for which respondent was sentenced to six months in federal prison.

Discussion

The Board granted respondent an internship and license based upon its review of the information contained on respondent's application. As required by the Rehabilitated Convicted Offenders Act, N.J.S.A. 2A:168A-1 et seq., the Board considered the nature and seriousness of the crime, the date of the crime, respondent's age at the time of the crime, whether the crime was an isolated or repeated incident, social conditions contributing to the crime and evidence of respondent's rehabilitation. Thus, the Board considered that respondent had committed a single offense of fourth degree theft by deception ten years prior to his application to the Board. The Board also considered as evidence of his rehabilitation the statement of respondent's parole officer and the fact that respondent had attended Essex County College following his release from prison. Although the conviction respondent disclosed was for a crime of moral turpitude that would relate adversely to the profession, particularly as funeral directors are required to handle funds placed in trust for preneed accounts, the Board considered all of the information disclosed and determined to grant respondent registration as an intern of the Board, and later, grant a license to practice mortuary science.

However, as is now apparent, the conviction respondent disclosed was only one of a series of offenses of which he was convicted and for which he served time in prison. Any of these offenses, considered individually, could serve as a basis for denial of licensure, as most are crimes of moral turpitude that relate adversely to the profession. Viewed together, as evidence of a series of repeated acts and crimes of fraud, forgery and theft by deception, they provide ample basis for the revocation of respondent's license. Had respondent disclosed the convictions on his application to the Board, the Board would have

denied him an intern registration at that time. Presumably, that was the reason respondent failed to fully and truthfully respond to the conviction question on the application. Respondent's failure to disclose the information on the application provides independent grounds for revocation of respondent's license at this time.

Conclusions of Law

The above convictions, misrepresentations, and fraud in the application process provide grounds to take action against respondent's license pursuant to N.J.S.A. 45:1-21 (a), (b) and (f), in that respondent obtained his internship and his license through fraud, deception or misrepresentation, has engaged in the use of fraud, and has been convicted of multiple crimes involving moral turpitude and which relate adversely to the profession.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline revoking respondent's license to practice mortuary science in the State of New Jersey was entered on April 22, 2003 and a copy was forwarded to respondent's last known address by means of both regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

The record reflects that the Provisional Order was served upon respondent, as the Board received a signed green card in response to its certified mail, but no response to the

assure that all forms comply with the Board's regulations.

4. Respondent shall not operate the Union facility or perform any practice of mortuary science at the Union facility within the meaning of N.J.S.A. 45:7-34 until such time as it is reinspected by the Enforcement Bureau and the facility passes said inspection. The reinspection shall be at the respondent's expense.

5. If the Union facility fails the reinspection by the Enforcement Bureau, the registration of Drew Funeral Home (Union), No. JB 00729, shall be surrendered, pending remediation and correction of all violations. The respondent shall not operate said Funeral Home or perform any practice of mortuary science at the Union location within the meaning of N.J.S.A. 45:7-34 until such time as the facility passes a reinspection by the Enforcement Bureau and the respondent has made re-application for the registration of the Drew Funeral Home (Union) and pays any and all costs associated with the reinspection and re-registration of the Union facility.

6. Drew Funeral Home and Calvin N. Drew, Sr., shall afford access to all funeral home locations and shall submit to periodic random and unannounced inspections by the Enforcement Bureau for the purpose of assuring the Board that the funeral homes comply with the directives of this Order and continue to be maintained in sanitary condition and in compliance with the Board's rules and regulations. Drew Funeral Home shall be responsible for the costs

of such inspections. An affidavit of costs from the Enforcement Bureau shall be submitted to Drew Funeral Home subsequent to any such inspection, and Drew Funeral Home shall submit payment in the amount of such costs no later than ninety (90) days subsequent to receipt of the affidavit of costs.

NEW JERSEY STATE BOARD OF MORTUARY SCIENCE

By: _____

Gerald P. Scala, Esq.
President

I have read the above Order and I agree to be bound by its terms. I consent to the entry of this Order by the State Board of Mortuary Science.



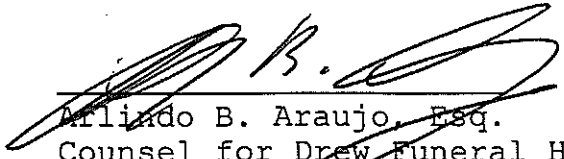
Calvin N. Drew, Sr.

I have read the above Order and I agree to be bound by its terms. I consent to the entry of this Order by the State Board of Mortuary Science.

DREW FUNERAL HOME (Reg. Nos. JB 00871, JB 00253, JB 00729)

By: _____

Consent as to the form of the Order is hereby given.


Arlindo B. Araujo, Esq.
Counsel for Drew Funeral Homes
and Calvin N. Drew, Sr.